

## NON LEGAL STRATEGIES FOR SOCIAL TRANSFORMATION

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### ABSTRACT

For the development of a society, social changes are imperative. However, customs and traditions can pose a challenge in bringing about these changes. Society is accustomed to certain practices, and altering them can be a daunting task. The most effective way to bring about change is through the implementation of laws. Laws have the power to shape social change. Legal reforms have changed the face of many societies all over the world. Nevertheless, laws are not the only means of bringing about social transformation. Education, voluntary action, public opinion, moral principles, collective efforts, and social movements are equally important non-legal instruments that can bring about social change in civilised systems. If the social structure is inclined towards peace, justice, and harmony, desirable social changes will occur. This research paper will explore the non-legal strategies that have been instrumental in bringing about social change in India. Additionally, a critical analysis will be conducted to determine whether these non-legal strategies have indeed contributed to the development of society.

**KEYWORDS:** Social Change, Self - Respect, Discrimination, Social-upliftment.

### CHAPTER – I

#### 1.0 INTRODUCTION

Social transformation is a fundamental aspect of societal development, and while legal strategies are important, non-legal strategies are equally crucial. This research paper delves into the non-legal strategies employed in India for social transformation, with a focus on influential leaders like Periyar and Ambedkar. These strategies, including widow remarriage, women's education, communal representation, and the promotion of self-respect, have had a profound impact on society. The paper emphasises the significance of inclusivity and empowerment for marginalised communities in achieving sustainable social change. By exploring the effectiveness of non-legal strategies, this research highlights their pivotal role in fostering positive societal transformations in India.

#### 1.1 SCOPE AND OBJECTIVE OF THE STUDY

The scope of this research paper is to explore and analyze the various non-legal strategies employed for social transformation. In contrast to conventional legal mechanisms, non-legal strategies encompass a broad spectrum of approaches that contribute to societal change without relying on formal legal frameworks. The scope of this research extends to the examination of grassroots movements, advocacy campaigns, cultural initiatives, and other non-legal avenues that have proven effective in driving social transformation. By delving into diverse case studies and examples, the research aims to provide a comprehensive understanding of the impact and significance of non-legal strategies in fostering positive societal change. The objective of the study are

- To categorize and analyze a range of non-legal strategies employed for social transformation

- To assess the effectiveness of various non-legal strategies in achieving tangible social transformation, considering different cultural, political, and economic contexts.
- To compare and contrast the outcomes of non-legal strategies with those of traditional legal approaches to understand the unique contributions and limitations of each in the context of social transformation.
- To explore the role of non-legal strategies in empowering communities and fostering inclusivity, highlighting instances where these approaches have promoted social justice and equity.

## 1.2 HYPOTHESIS

The utilisation of non-legal strategies for social transformation in India is likely to be a pivotal force in effecting positive change, as these approaches encompass grassroots movements, cultural initiatives, and advocacy campaigns. It is hypothesised that the success of these strategies lies in their ability to empower marginalised communities, foster inclusivity, and influence public opinion, ultimately contributing to a more equitable and just society. Furthermore, the hypothesis suggests that the impact of non-legal strategies extends beyond immediate outcomes, influencing policy development and institutional change to create sustainable social transformations in the Indian context.

## 1.3 RESEARCH QUESTIONS

1. To what extent have non-legal strategies influenced policy development and institutional change in India, particularly in the context of promoting social justice and equity?
2. In what ways have non-legal strategies empowered marginalised communities in India to address social injustices and promote equality?

3. What are the Non-legal strategies that emerged in India?

## 1.4. LITERATURE REVIEW

1. Dr. K. Veeramani, "Collected Works of PERIYAR E.V.R.", (The Periyar Self-Respect Propaganda Institution, Chennai)

This book offers a comprehensive exploration of PERIYAR'S concept of societal progress and his diverse approaches to social reform. Additionally, it delves into the historical events that shaped Periyar's life.

2. Pannaga vijaykumar, "Ambedkar's Idea Of Social Justice- Some Reflections", Available at:<https://www.legalserviceindia.com/leg/article-3825-ambedkar-s-idea-of-social-justice-some-reflections.html>

This particular article gives the social justice principles adopted by Ambedkar for the upliftment of the marginalised section of the society.

## CHAPTER – II

### 2.0 SOCIETY

The concept of society originates from the Latin term 'socius', which signifies 'association, companionship, togetherness'. Consequently, society denotes a collective of individuals cohabiting, sharing cultural practices, engaging in social interactions, and establishing inter-relationships.

In the realm of sociology, the term society does not refer to a mere group of individuals, but rather encompasses the complete framework of norms and interactions that emerge among them. Society is not a static entity, but rather a dynamic process characterised by perpetual motion. The essential aspect of society lies in the intricate system of relationships and the established patterns of norms and interactions through which its members sustain their collective well-being.

Sociologists have provided multiple definitions for the concept of society, and among the renowned definitions are:

- Society is the union itself, the organisation, the sum of formal relations in which associating individuals are bound together – ANTHONY GIDDINGS<sup>806</sup>
- Society may be defined as the total complex of human relationships in so far as they grow out of action in terms of mean-end relationships intrinsic or symbolic – TALCOTT PARSON<sup>807</sup>
- Society refers not to a group of people but to the complex pattern of norms of interaction that arise among and between them – R.T. LAPIERRE<sup>808</sup>

## 2.1 RELATIONSHIP BETWEEN INDIVIDUAL & SOCIETY

The relationship between individuals and society is a complex and dynamic one that shapes human existence. Society is a collective of individuals with unique thoughts, beliefs, and aspirations, and individuals find identity within the context of the societal framework. Family, education, and social institutions play crucial roles in shaping individuals and transmitting the collective wisdom of society. However, individuals are not passive recipients of societal influences; they actively engage with and contribute to the construction of social reality, challenging existing norms and questioning authority.

The concept of the "social contract" emphasizes the implicit agreement between individuals and society, forming the basis of social order. Laws, ethical standards, and shared values balance individual liberties with societal needs. However, this relationship is not without challenges. Societal expectations can stifle individuality,

leading to conformity and suppression of dissent. Excessive individualism can erode social cohesion, potentially leading to anarchy or fragmentation. Striking the right balance is essential for a harmonious coexistence where individuals feel a sense of belonging and agency within a collective framework.

In conclusion, the relationship between individuals and society is a multifaceted and reciprocal dynamic that shapes the human experience. Recognizing and navigating this relationship is essential for fostering societies that respect individual rights, encourage diversity, and promote collective well-being.

## 2.2 SOCIAL TRANSFORMATION & ITS NEED

The evolving dynamics of societies necessitate social transformation, which is a crucial imperative. This transformation involves a radical and comprehensive shift in the fundamental structures, values, and norms that shape a community. The need for social transformation arises from various challenges and imperatives, reflecting the changing nature of human interactions, global dynamics, and the pursuit of a more equitable and sustainable world.

- The existence of inequality and injustice in a society is a significant catalyst for social transformation. Disparities in economic opportunities, limited access to resources, and discriminatory practices based on factors such as race, gender, or socio-economic status necessitate the need for transformation to establish fairness and equity.
- As civilizations progress, their cultural dynamics also undergo transformation. Social change becomes imperative to accommodate shifting attitudes, values, and beliefs. This entails promoting inclusivity, embracing diversity, and adjusting to the cultural changes that arise from technological advancements and globalisation.

<sup>806</sup> Definition of SOCIETY, India, available at <https://www.sociologylens.in/2022/01/society.html> (last visited on 27.11.2023)

<sup>807</sup> Definition of SOCIETY, India, available at <https://tyonote.com/society/> (last visited on 27.11.2023)

<sup>808</sup> Definition of SOCIETY, India, available at <https://www.preservearticles.com/sociology/what-do-you-mean-by-society/4554> (last visited on 27.11.2023)

- Instances of corruption, ineffective governance, and political instability serve as clear indicators of the necessity for societal change. This necessitates the reevaluation of political frameworks, the advancement of transparency, and the cultivation of civic participation in order to establish a more receptive and responsible system.
- The evolving demographics, which involve the aging of populations and alterations in family structures, require modifications in social policies, healthcare systems, and employment practices. It is imperative to undergo social transformation to accommodate these demographic changes and guarantee the welfare of every individual in the community.

### CHAPTER - III

#### 3. METHOD OF TRANSFORMATION

The only constant in life is change, and this rule applies to everything, including the life of a nation or a socio-political system. These entities are inherently dynamic, living, and organic systems, subject to continuous transformation in their political, social, and economic conditions. Social change refers to a transformation in the societal norms and behaviours of individuals towards their community. In the past, society was primarily guided by moral principles. However, with the emergence of the State as the governing authority, morality was gradually replaced by legal regulations. If we aim to modify any prevailing customs or behaviours within society, there are two approaches to changing the law. The first approach suggests that "law changes the society," indicating that the legal framework compels society to adapt to the new laws. On the other hand, the second approach proposes that "society changes the law," meaning that the society itself formulates laws based on its existing circumstances and needs<sup>809</sup>. Hence, we

<sup>809</sup> Dr. Neelam Batra & Tamanna Kohli "IS LAW THE ONLY INSTRUMENT OF SOCIAL CHANGE? A CRITICAL ANALYSIS"

can differentiate social change into two categories. One as the Legal Change and the other as Non Legal Change.

#### 3.1 LEGAL

It is crucial to comprehend that the legal approach operates based on the instrumentalist perspective of law, perceiving Law as a means of exerting power and as a tool of governance, particularly when governance is centralised within the state. From this standpoint, law exerts influence on society rather than being an inherent component of society. Its efficacy is believed to stem not only from its alignment with societal trends but also from the consolidation of political authority embodied by the state. Some of the instances of legislation that have altered the societal structure include the Dowry Prohibition Act<sup>810</sup> and the Protection of Women From Domestic Violence Act<sup>811</sup>, both of which have challenged the prevailing societal norms and attitudes towards women.

#### 3.2 NON LEGAL

It is important to recognize that law is not the sole means of achieving social transformation. While alternative approaches do exist, it is crucial to consider their compatibility with our constitutional ideology and methods. It is paradoxical that gentle persuasion can be effective in promoting ideas. Therefore, when seeking to transform society, it is essential to analyse and understand desirable and compatible strategies such as Periyarism, Ambedkarism etc...

### CHAPTER - IV

#### 4. PERIYAR'S STRATEGIES OF SOCIAL TRANSFORMATION

#### 4.2 EQUALITY & WOMEN'S RIGHTS

In a broad sense, it can be asserted that he willingly and self-assumed the role of advocate for the causes of those who were

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<sup>810</sup> Dowry Prohibition Act ( Act No: 28 of 1961)

<sup>811</sup> Protection of Women From Domestic Violence Act (Act No: 43 of 2005)

disadvantaged. His relentless efforts in championing women's rights have few equals in the annals of women's liberation in India. He derided and denounced practices such as child marriage, widowhood, dowry, and male dominance, fearlessly expressing his views in various public forums including meetings, marriage ceremonies, political platforms, and writings<sup>812</sup>. He recognized contraception as the most potent instrument for women's emancipation and was among the earliest proponents of family planning. The Self Respect Conferences held in 1929 and 1930 underscored the importance of women's right to divorce and own property<sup>813</sup>.

Equality to women in front of men in all aspects such as social, political and even monetary equality was encouraged by Periyar. Equal opportunity for women in terms of working or professional rights was promoted to the non Brahmins. Gender inequality was tackled; child marriages were strictly prohibited and condemned by Periyar. According to him there is no difference between male and female in the matters of right to property. Women are equally allowed to own and enjoy the property and its benefits. In case of divorce, a woman can have a right to divorce her husband if she is not happy with her husband or her husband suffering from a deadly disease<sup>814</sup>.

### 4.3 SELF-RESPECT MARRIAGE

The self-respect movement brought about a significant sociological transformation by introducing the self-respect marriage system, which involved conducting marriages without the involvement of a Brahmin priest. Periyar, the leader of the movement, viewed traditional marriages as mere financial transactions that often resulted in substantial debt due to dowry. In contrast, the Self-Respect movement promoted inter-caste marriages and advocated for love marriages that were not

bound by caste restrictions. This shift aimed to replace arranged marriages with unions based on personal choice and affection. Supporters of the self-respect movement contend that the Sangam literatures, such as Tirukkural or Akananūru, which provide insights into the lifestyle of the Tamils during the Sangam era, do not make any mention of Thaali.

The self-respect movement advocated for the remarriage of widows, which was a significant departure from the prevailing societal norms. The prevalence of child marriage and inadequate healthcare facilities resulted in a high number of widows in the community. The principles of widow remarriage espoused by the self-respect movement provided a new lease on life for women like Sivagami Ammaiyar, who had been widowed at a tender age of 11 years<sup>815</sup>. As a result, the self-respect movement garnered a considerable following among women. Accordingly the Hindu Marriage Act<sup>816</sup> was amended and section 7A was introduced which contain "permitting Suyamariyathai (self-respect) and Seerthiruttha (reformist) marriages as legal when solemnised in the presence of friends, relatives or any other person by exchanging garlands or rings or by tying of a mangalsutra or by a declaration in language understood by both parties that they accept each other to be their spouse." This law was then officially published in the Gazette on 20 January 1968.

### 4.4 COMMUNAL REPRESENTATION

The Self-Respect Movement was described from the beginning as "dedicated to the goal of giving non-Brahmins a sense of pride based on their Dravidian past". Periyar insisted on various social reforms and on the important reform he suggested was communal representation. Periyar strongly believed that communal representation will be a strong tool to eradicate the inequalities in the society.

Since 1920, Periyar moving a resolution in

<sup>812</sup> Dr. K. Veeramani, Collected Works of PERIYAR E.V.R. p.no. 38

<sup>813</sup> Ibid.,

<sup>814</sup> Satish Kumar K & Dr K Chandrappa "PERIYAR E V RAMASWAMY NAIKAR: SOCRATES OF SOUTH INDIA" Volume 8, International Journal of Novel Research and Development, October 2021

<sup>815</sup> Swati Seshadri, WOMEN'S PARTICIPATION IN THE DRAVIDIAN MOVEMENT 1935-1945 (2008), (Unpublished Research, The Prajnya Trust)

<sup>816</sup> The Hindu Marriage Act (Act No: 25 of 1955)

Congress conferences demanding the Communal Reservation in Government jobs and education for the Non-Brahmins (Dravidians) to drive out their degradation and attain higher positions in all spheres of life<sup>817</sup>. Again at the Congress conference held at Kancheepuram under the Chairmanship of the great versatile Tamil author, editor, orator and labour leader Thiru. Vi. Kalyana sundaranar, (Thiru. Vi. Ka.), the resolution was introduced demanding Communal Reservation for 50% for the Nonbrahmins by Periyar<sup>818</sup>.

Later in 1927, the then Government of Madras passed a G.O which infamously known as the Communal G.O which implemented the periyar's idea of communal representation. The Communal G.O. held a special place in his heart, but unfortunately, it was deemed unconstitutional by the Madras High Court and upheld by the Supreme Court of India. In response, Periyar took to the streets of Tamil Nadu, rallying the people and warning them of the impending danger. His passionate speeches and tireless efforts were akin to the roar of a lion, inspiring many to take action.

In response to the formidable opposition orchestrated by Periyar, the Nehru Government at the Centre took action by amending the Constitution of India for the very first time. This inaugural amendment marked a significant milestone in the Indian Constitution. Ultimately, sub clause (4)<sup>819</sup> was incorporated into Article 15 to accommodate the provisions of the Communal G.O. which aimed to safeguard the rights and ensure equal opportunities for the Backward classes in India.

## 5. AMBEDKAR'S STRATEGIES OF SOCIAL TRANSFORMATION

Dr B.R. Ambedkar's legacy will forever be etched in the annals of Indian history as a stalwart advocate for social justice. Not only did he play a pivotal role in architecting the Constitution,

but he also fervently fought for the upliftment of the marginalised. His unwavering dedication to improving the lives of the impoverished and oppressed untouchables is a testament to his lifelong commitment to social progress.

Ambedkar was deeply influenced by the idea "Man is born free, but everywhere he is in chains"<sup>820</sup>, prompting him to undertake a relentless struggle for justice grounded in equality. Dr. B.R. Ambedkar prioritised the attainment of economic and social equalities before political equality, leaving no stone unturned in his quest to secure a rightful place for the oppressed within the societal framework.

### 5.1 SOCIAL JUSTICE

Ambedkar's vision of social justice encompasses the ideals of freedom, fairness, and solidarity among all individuals. He advocated for a societal framework that promotes harmonious relationships between individuals in every aspect of their lives. As a proponent of rationality and humanism, he vehemently opposed any form of deceit, unfairness, or exploitation perpetrated by one person against another under the guise of religion. Ambedkar advocated for a religion that adheres to universal moral principles, transcending time, borders, and races. Such a religion should be grounded in reason and founded upon the fundamental principles of freedom, equality, and fraternity.

The Constitution of India, which was drafted under his chairmanship contains a number of provisions that guarantee a preferential treatment to the down-trodden people in various sectors. Under Article 14,15,16,17<sup>821</sup> Ambedkar expressed his idea of equality and preferential treatment and he also embodied the principle in PART IV of the Constitution, which outlines the directive principles of state policy, which is a crucial aspect of social justice. Despite not being enforceable by any court, these principles express the ideals of social

<sup>817</sup> Dr. K. Veeramani, Collected Works of PERIYAR E.V.R. p.no. 11

<sup>818</sup> Dr. K. Veeramani, Collected Works of PERIYAR E.V.R. p.no. 12

<sup>819</sup> Added by the Constitution (First Amendment) Act, 1951, S. 2 (w.e.f. 18-6-1951).

<sup>820</sup> Jean-Jacques Rousseau, On the Social Contract; or, Principles of Political Right, 1762

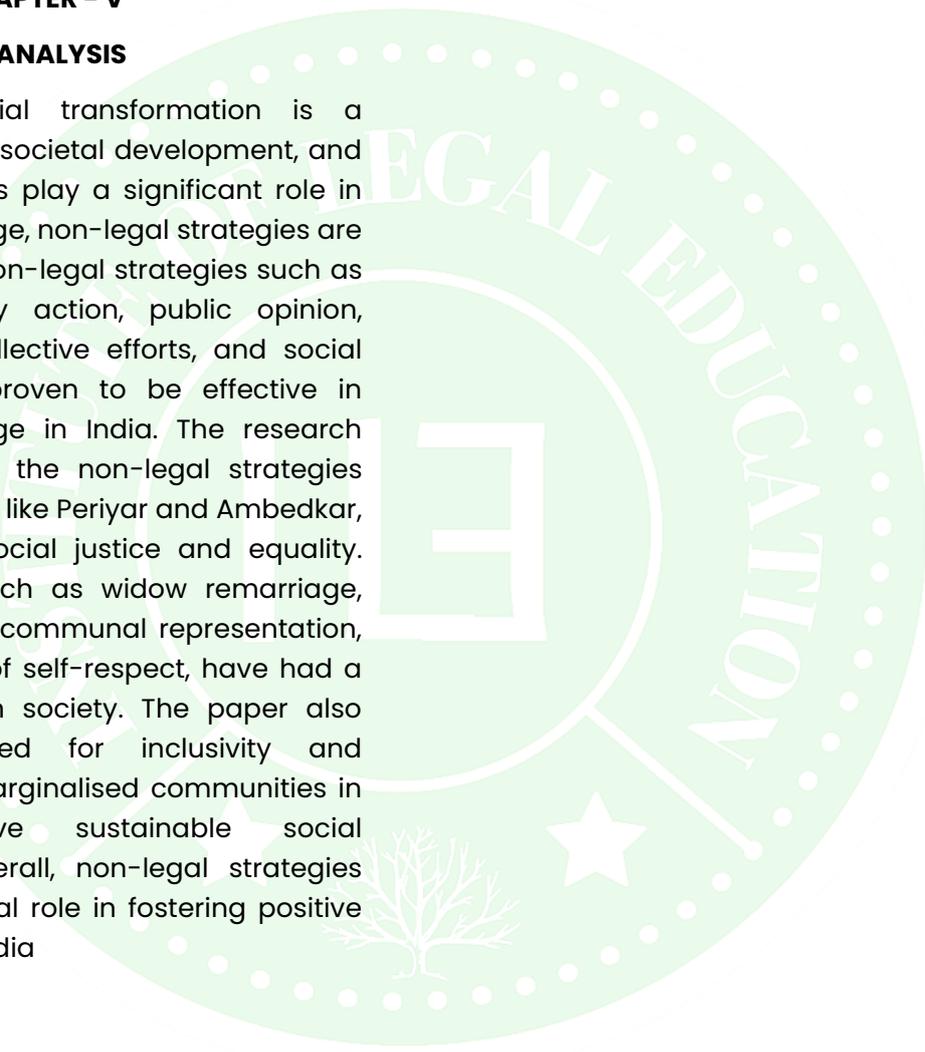
<sup>821</sup> The Constitution of India

justice in clear and categorical terms. Article 38 of the Constitution mandates that the state take steps to reduce income inequalities and strive towards equal status, facilities, and opportunities for not only individuals but also groups of people residing in different regions or engaged in different professions.

## CHAPTER – V

### 5. CONCLUSION AND ANALYSIS

In conclusion, social transformation is a necessary aspect of societal development, and while legal strategies play a significant role in bringing about change, non-legal strategies are equally important. Non-legal strategies such as education, voluntary action, public opinion, moral principles, collective efforts, and social movements have proven to be effective in driving social change in India. The research paper has explored the non-legal strategies employed by leaders like Periyar and Ambedkar, who championed social justice and equality. These strategies, such as widow remarriage, women's education, communal representation, and the promotion of self-respect, have had a profound impact on society. The paper also highlights the need for inclusivity and empowerment of marginalised communities in order to achieve sustainable social transformations. Overall, non-legal strategies have played a crucial role in fostering positive societal change in India



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